

VZCZCXRO4845  
PP RUEHBC RUEHDBU RUEHDE RUEHKUK RUEHLH RUEHMOS RUEHPW  
DE RUEHKU #5002 3391105  
ZNY CCCCC ZZH  
P 051105Z DEC 05  
FM AMEMBASSY KUWAIT  
TO RUEHC/SECSTATE WASHDC PRIORITY 2008  
INFO RUCNISL/ISLAMIC COLLECTIVE  
RUEHBY/AMEMBASSY CANBERRA 0558  
RUEAIIA/CIA WASHDC  
RUEHKU/OMC-K KUWAIT KU  
RUMICEA/USCENTCOM INTEL CEN MACDILL AFB FL

C O N F I D E N T I A L KUWAIT 005002

SIPDIS

SIPDIS

STATE FOR NEA/ARPI AND S/CT, LONDON FOR TSOU, PARIS FOR ZEYA

E.O. 12958: DECL: 12/04/2015

TAGS: [PTER](#) [PREL](#) [PGOV](#) [JO](#) [IZ](#) [SA](#) [KU](#) [TERRORISM](#)

SUBJECT: PENINSULA LIONS VERDICT TO BE ANNOUNCED DECEMBER 27

REF: A. KUWAIT 4794

[1](#)B. KUWAIT 4322

[1](#)1. (C) After six weeks of deliberations, the all-Kuwaiti judicial panel of three judges presiding over the case of the Peninsula Lions, with 37 defendants, eleven of whom are fugitives, is expected to announce its verdict on December [1](#)27. The 37 defendants face charges including murder of Kuwait security forces, planning the assassination of Kuwait State Security (KSS) and Ministry of the Interior (MOI) officials for the purpose of creating chaos, collaboration to commit terrorism, planning the murder of military personnel of friendly forces in Kuwait, exhorting others to join illegal organizations, calling for a fight against state authorities, carrying out hostile actions against state's interests, funding terrorist groups through charitable donations, issuing fatwas to help facilitate the above, possessing unlicensed firearms and ammunition, and manufacturing explosives.

[1](#)2. (C) Press reports in May, when the charges were first announced, stated that twenty of the thirty-seven defendants were facing the death penalty. Some press reports since the November 16 conclusion of defense arguments state that all 37 defendants are facing the death penalty. Since this trial encompasses four separate cases rolled into one, including the charge against one defendant's attorney who was accused of passing money to his client while on the run (not a capital crime), post believes the outcome will be defendant-specific and not case-specific. Post expects the four minor age defendants will receive a lesser punishment if found guilty, possibly a verbal warning and signing a declaration of good behavior. (Note: The age of majority in Kuwait is 21. End note.) Additionally, under Kuwaiti law a prisoner cannot be held in jail if s/he suffers from a chronic or debilitating illness. Defendant 31, Nuha Al-Enezi, is being treated abroad for cancer and is not expected to be incarcerated, even if found guilty. Nuha is one of the twenty facing the death penalty but was allowed to travel abroad to seek medical treatment after charges against her were announced at the end of May.

[1](#)3. (SBU) Once the verdict is announced, both defendants and prosecutors have the right to appeal. The appeal is heard by the Court of Appeals, which can rule to support the lower court's verdict or overturn the verdict in favor of either the prosecution or the defense. That appeal can be appealed as well to the Court of Cassation. The Court of Cassation can hear the appeal and rule to support the original verdict or the Court of Appeal's verdict, or it may make a ruling contrary to both the lower courts. This final appeal can be in favor of either defendant or prosecutor. The process for completing the entire appeals process can take from six

months up to two years. During the appeals process  
defendants are, at times, allowed to move freely within  
Kuwait, without any bail or bond.

\*\*\*\*\*  
Visit Embassy Kuwait's Classified Website:  
<http://www.state.sgov.gov/p/nea/kuwait/>

You can also access this site through the  
State Department's Classified SIPRNET website  
\*\*\*\*\*  
LEBARON